

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

EDDIE LEE WILSON and
CHESTER JACKSON, SR.,

Plaintiffs,

V.

ROBERT RILEY BAUCOM,
DEPUTY JOHN K. BENNETT,
SHERIFF THOMAS NORSWORTHY,
CITY OF CALDWELL, and
BURLESON COUNTY,

Defendants.

1:20-CV-311-RP

ORDER

Before the Court is the report and recommendation from United States Magistrate Judge Mark Lane concerning Defendants Burleson County and John K. Bennett's Motion for Summary Judgment, (Dkt. 60). (R. & R., Dkt. 83). Pursuant to 28 U.S.C. § 636(b) and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Judge Lane issued his report and recommendation on September 15, 2021. (*Id.*). Plaintiffs Eddie Lee Wilson and Chester Jackson, Sr. ("Plaintiffs") filed objections to the report and recommendation. (Objs., Dkt. 103). Plaintiffs filed their objections with a motion for leave to file their objections late. (*Id.*). Plaintiffs also filed a motion for extension of time, (Dkt. 104), and a motion for leave to file extension, (Dkt. 105). The Court will grant the first motion for leave and deem Plaintiffs' objections timely filed. Also, in light of Plaintiffs' newly-filed objections, the Court will vacate its previous order on the report and recommendation.

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C.

§ 636(b)(1)(C). Because Plaintiffs timely objected to the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so, the Court overrules Plaintiffs' objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the Report and Recommendation, (Dkt. 83), is **ADOPTED**. Defendants Burleson County and John K. Bennett's Motion for Summary Judgment, (Dkt. 60), is **GRANTED**.

IT IS FURTHER ORDERED that the Court's previous order on the report and recommendation, (Dkt. 100), is **VACATED**.

IT IS FURTHER ORDERED that Plaintiffs' motion for leave to file objections, (Dkt. 103), is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiffs' motion for extension of time to file objections, (Dkt. 104), and motion for leave to file extension are **MOOT** in light of the Court's grant of Plaintiffs' motion for leave to file objections, (Dkt. 103).

IT IS FINALLY ORDERED that Plaintiffs' claims against Burleson County and John K. Bennett are **DISMISSED WITH PREJUDICE**.

SIGNED on October 5, 2021.

A handwritten signature in blue ink, appearing to read "Robert Pitman", written over a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE